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Paper No. 6

INTERNATIONAL PLANT MANAGEMENT, INC.  
55826 60<sup>TH</sup> AVENUE  
LAWRENCE, MI 49064

**COPY MAILED**

**AUG 12 2003**

**OFFICE OF PETITIONS**

In re Application of  
Roger D. Way, et al.  
Application No. 09/894,311  
Filed: June 27, 2001  
Attorney Docket No. N/A

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed July 28, 2003, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The petition is not accompanied by a response which addresses each and every objection set forth in the non-final Office action of October 2, 2002. While it is noted that a Declaration received on January 7, 2003, which appears to address the objection to the Declaration raised in the October 2, 2002 Office action, no arguments/amendments have been submitted which addresses each and every objection set forth therein. Accordingly, before revival can be effected, a reply which addresses each and every objection raised in the October 2, 2002 non-final Office action must be submitted.

The instant petition is signed by Wanda Heuser Gale. Petitioner is advised that amendments and other papers filed in the application must be signed by:

- (1) An attorney or agent of record appointed in compliance with § 1.34(b);
- (2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34(a);
- (3) The assignee of record of the entire interest, if there is an assignee of record of the entire interest;
- (4) An assignee of record of an undivided part interest, and any assignee(s) of the remaining interest and any applicant retaining an interest, if there is an assignee of record of an undivided part interest; or

**(5) All of the applicants (§§ 1.42, 1.43 and 1.47) for patent, unless there is an assignee of record of the entire interest and such assignee has taken action in the application in accordance with §§ 3.71 and 3.73.**

If Ms. Gale is signing the petition on behalf of an assignee, petitioner is advised that, in order for an assignee or other party in interest to take action in a case before the Office, compliance with 37 CFR 3.73(b) must be satisfied. More specifically, 37 CFR 3.73(b) provides that: (1) when an assignee seeks to take action in a matter before the Office, the assignee must establish its ownership of the property to the satisfaction of the Commissioner; (2) ownership is established by submitting to the Office, in the Office file related to the matter in which action is sought to be taken, documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment submitted for recording) or by specifying (e.g., reel and frame number) where such evidence is recorded in the Office; (3) the submission establishing ownership must be signed by a party authorized to act on behalf of the assignee; and (4) documents submitted to establish ownership may be required to be recorded as a condition to permitting the assignee to take action in a matter pending before the Office. A blank 37 CFR 3.73(b) accompanies this decision.

Further correspondence with respect to this matter should be addressed as follows:

By mail:                      Mail Stop PETITION  
                                    Commissioner for Patents  
                                    Post Office Box 1450  
                                    Alexandria, VA 22313-1450

By hand:                     Crystal Plaza 4, Suite 3C23  
                                    2201 South Clark Place  
                                    Arlington, VA 22202

By facsimile:                (703) 308-6916  
                                    ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 306-5594.



Retta Williams  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

Enclosure: Blank copy of 37 CFR 3.73(b).